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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 CLIFFORD SCHUETT,
9

10 Plaintiff

vs.

11 MS. COLLINS, *et al.*,

12 Defendants

13 2:13-cv-01265-APG-NJK

14 ORDER

15 Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983, but has not paid
16 the filing fee or presented an application to proceed in *forma pauperis*.

17 Without the filing fee or leave to proceed in *forma pauperis*, the matter has not been properly
18 commenced. *See* 28 U.S.C. § 1915(a) and Local Rule LSR1-2 (to proceed with a civil action without
19 prepaying the required filing fee a petitioner must submit a sworn affidavit stating all his assets and
20 attach both an inmate account statement for the past six months and a properly executed financial
certificate.)

21 Because it does not appear from the papers presented that a dismissal without prejudice will
22 materially affect a later analysis of any timeliness issue with regard to a promptly filed new action,
23 the present action will be dismissed without prejudice to the filing of a new complaint in a new action
24 with a pauper application on the proper form with all required attachments.

25 **IT THEREFORE IS ORDERED** that the action shall be **DISMISSED** without prejudice to
26 the filing of a new complaint in a new action with a properly completed pauper application.
27

1 **IT FURTHER IS ORDERED** that the Clerk shall send plaintiff two copies each of an
2 application form to proceed *in forma pauperis* for incarcerated persons and a § 1983 civil rights
3 complaint form, one copy of the instructions for each form, and a copy of the papers that he submitted
4 in this action.

5 The Clerk of Court shall enter final judgment accordingly in favor of respondents and against
6 plaintiff, dismissing this action without prejudice.

7 || DATED: August 1, 2013.



UNITED STATES DISTRICT JUDGE